

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

BRYANT S. FLORIE,)
)
)
 Plaintiff,)
)
v.)
)
JUDGE BUTNER, et al.,)
)
)
 Defendants.)

No. CIV 16-101-JHP-SPS

OPINION AND ORDER
DENYING MOTION FOR APPOINTMENT OF COUNSEL
AND MOTION FOR ASSISTANCE OF INVESTIGATOR

Plaintiff has filed a motion requesting the court to appoint counsel (Dkt. 18). He bears the burden of convincing the court that his claim has sufficient merit to warrant such appointment. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court has carefully reviewed the merits of plaintiff's claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering plaintiff's ability to present his claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel is not warranted. See *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); see also *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

Plaintiff also has filed a motion for assistance of an investigator, claiming an investigator could assist the defense attorney in Plaintiff's criminal proceedings (Dkt. 19). This request for relief, however, is not appropriate in a civil rights lawsuit. Therefore, the motion is denied.

ACCORDINGLY, plaintiff's motion for appointment of counsel (Dkt. 18) and his motion for assistance of an investigator (Dkt. 19) are DENIED.

IT IS SO ORDERED this 2nd day of August 2016.



James H. Payne
United States District Judge
Eastern District of Oklahoma